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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,375	12/20/2001	Haruo Machida	35.C16039	7735

5514 7590 02/05/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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KANG, INSUN

ART UNIT	PAPER NUMBER
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2193

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/022,375

Applicant(s)

MACHIDA, HARUO

Examiner

Insun Kang

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 55-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to the amendment filed on 11/17/2006.
2. As per applicant's request, claims 1-54 have been cancelled and claims 55-70 have been amended. Claims 55-70 are pending in the application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 55-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson (US Patent 6,513,159) in view of Tanaka (US Patent 6, 721, 879).

Per claim 55:

Dodson discloses:

-determining means for determining a client apparatus on which a driver is to be set up; (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65) and transmission controlling means for controlling operations to transmit to the client apparatus determined by said determining means a set-up instruction to set up a driver for that client apparatus(i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Dodson does not explicitly teach a test printing instruction to have the client apparatus execute test printing to check if the driver set-up for the client apparatus has been completely, via the network. However, Tanaka teaches a test print was known in the pertinent art, at the time applicant's invention was made, to ensure the correct driver set up(i.e. Figs 9A-9D). It would have been obvious for one having ordinary skill in the art to modify Dodson's disclosed system to incorporate the teachings of Tanaka. The modification would be obvious because one having ordinary skill in the art would be motivated to test the correctness of the driver set up to ensure proper installation operations as suggested by Tanaka (Figs 9A-9D).

Per claim 56:

The rejection of claim 55 is incorporated, and further, Dodson teaches:

Said determining means determines a plurality of client apparatuses and said transmission controlling means controls operations to transmit to the plurality of client apparatuses determined by said determining means an instruction to install driver information as well as the test printing instruction (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 57:

The rejection of claim 55 is incorporated, and further, Dodson teaches:

Said determining means determines a plurality of client apparatuses and said transmission controlling means controls operations to transmit to the plurality of client apparatuses determined by said determining means the set-up instruction and the test printing instruction, via the network (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65).

Per claim 58:

The rejection of claim 55 is incorporated, and further, Tanaka teaches:  
a test print request source is printed in the test printing (Figs 9A-9D).

Per claim 59:

The rejection of claim 55 is incorporated, and further, Tanaka teaches:  
a name of a print server used in executing the test printing is printed in the test printing  
(Figs 9A-9D).

Per claims 60-64, they are the method versions of claims 55-59, respectively, and are  
rejected for the same reasons set forth in connection with the rejection of claims 55-59  
above.

Per claims 65-69, they are the product versions of claims 55-59, respectively, and are  
rejected for the same reasons set forth in connection with the rejection of claims 55-59  
above.

Per claim 70, it is the computer-readable storage medium version of any one of  
claims 65-69, respectively, and is rejected for the same reasons set forth in connection  
with the rejection of any one of claims 65-69 above.

### ***Response to Arguments***

5. Applicant's arguments filed on 11/17/2006 have been fully considered but they  
are not persuasive.

6. The applicant states that: nothing in Dodson would teach or suggest ...in which both a driver set-up instruction and a test printing instruction are transmitted from an information processing apparatus to a client apparatus via a network. Even if Tanaka is deemed to show all that is cited for, that does not supply what is missing from Dodson as a reference against Claim 55 (page 11).

In response to the statement above, Dodson discloses a driver set-up instruction (i.e. col. 4 lines 13-23 and 48-58; col. 2 lines 55-65). Although Dodson does not explicitly teach executing a test printing to check the driver set-up, Tanaka teaches a test print was known in the pertinent art, at the time applicant's invention was made, to ensure the correct driver set up(i.e. Figs 9A-9D). It would have been obvious for one having ordinary skill in the art to modify Dodson's automatic installation system to include a test printing just to make sure the correctness of the driver set up and to ensure proper installation operations as suggested by Tanaka (Figs 9A-9D). Thus, all the driver set up aspects described in Dodson do fulfill the features brought out in applicant's claims, given that the test printing aspect of Tanaka is combined into them, for which the motivation is as given above. If applicant means anything more, this must be brought out in the claims to further clarify the invention.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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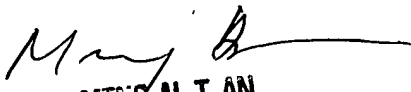
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Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER